



PATENT

Attorney Docket No. 87711  
Client Ref. No. P3P99022US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SEIJI MOTOJIMA, ET AL.

Application No. 09/403,894

Filed: October 26, 1999

For: METHOD AND APPARATUS FOR  
MANUFACTURING CARBON FIBER  
COILS

Customer No. 20350

Confirmation No.

Examiner: Stuart L. Hendrickson

Technology Center/Art Unit: 1754

DECLARATION OF J. GEORG SEKA IN  
SUPPORT OF RENEWED PETITION  
FOR REVIVAL OF UNINTENTIONALLY  
ABANDONED PATENT APPLICATION

I, J. Georg Seka, declare as follows:

1. I am a partner of Townsend & Townsend & Crew ("TTC") of San Francisco, California, I originally filed the above-captioned patent application on behalf of TTC's client Onda Techno International Patent Attorneys ("Client"), on August 11, 2002 I filed an Information Disclosure Statement (IDS), and I reported the first Office Action in this case to the Client. Thereafter, I transferred responsibility for this application to Kevin T. Lemond ("Lemond"), then a partner of TTC, who responded to the first Office Action with an Amendment dated July 24, 2001.

2. Following the transfer of responsibility for this application to Lemond, I did not further participate in the prosecution and handling of the above-captioned application, and I was not aware of any developments that took place in the U.S. Patent and Trademark Office (USPTO) relating to this application until I read the second Notice of Abandonment (Exh. H) dated January 25, 2007.

3. In late January or early February 2007, Jane H. Welch ("Welch") handed the file to me with the second Notice of Abandonment (Exh. H). I reviewed the file, noted that there had been an earlier Notice of Abandonment, and contacted the Client by letter (Exh. 5)

inquiring whether there had been an intent to abandon the application. The Client advised me by return letter (Exh. 6) that there was no intent on its part to abandon the application.

4. Thereafter I prepared an Amendment that was responsive to the Final Rejection of April 25, 2003 (Exh. B), an RCE, and a Petition for the revival of an unintentionally abandoned application, which, following review and approval by the Client (Exh. 8), was filed in the USPTO on or about March 19, 2007.

5. In view of the long delay between the Final Rejection of April 25, 2003 and the second Notice of Abandonment (Exh. H) of January 25, 2007, I reviewed the file in detail to reconstruct what had occurred.

6. Although I was not a participant in the events that took place between the date of the Final Rejection (April 25, 2003) and the date of the second Notice of Abandonment (January 25, 2007), the file contents reveal Lemond was cognizant how to place the application in condition for allowance, namely by combining the allowable dependent claims with their parent claim, and he attempted to do so (Exhibit 1 and Exhibit C).

7. Specifically, Lemond attempted to place this application in condition for allowance by combining rejected independent claim 26 with allowable dependent claim 31. Lemond's first attempt to do so was unsuccessful because in an Amendment dated March 12, 2003 (filed prior to the Final Rejection (Exh. B), he combined independent claim 26 with allowable claim 31 but failed to also combine claim 26 with intervening claims 27 and 30.

8. Following the Final Rejection of April 25, 2003 (Exh. B), Lemond filed an Amendment dated September 25, 2003 (Exh. C) which canceled claims 27 and 30, and stated that independent claim 26 was combined with dependent claims 27 and 30, but in fact claim 30 was not included in claim 26.

9. I further noted from the file that Lemond omitted filing a Request for Continued Examination (RCE), even though he had indicated that this would need to be done in his letter to the Client (Exh. 3) if prosecution continued past October 25, 2003, i.e. six months from the date of the Final Rejection (Exh. B).

10. I was unable to determine from the file contents why Lemond omitted filing the required RCE. It appears that the statement in the first Notice of Abandonment (Exh. E) that applicants failed "to timely file a proper reply to the Official letter mailed on 4/25/03 (and 11/25/03)" may have been erroneously interpreted by Lemond as meaning that the Amendment had not been received by the Examiner. As a result, Lemond apparently believed that he had to refile the initial Amendment, which he did on October 21, 2004 (Exh. F).

I declare under the penalty of perjury that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, having been warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC §1001, and may jeopardize the validity of this application or any patent resulting therefrom.

Dated: March 28, 2008

J. Georg Seka  
J. Georg Seka

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